

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (CHICAGO)**

IN RE:

Dustin M. Britton

Case No.: 19-00578

Chapter: 13

Hearing Date: 5/3/19

Debtor(s)

Judge A. Benjamin Goldgar (Lake)

NOTICE OF MOTION

TO: Glenn B Stearns, Chapter 13 Trustee, 801 Warrenville Road, Suite 650, Lisle, IL 60532 by electronic notice through ECF
 Dustin M. Britton, Debtor(s), 562 Gatewood Drive, Twin Lakes, WI 53181
 David M Siegel, Attorney for Debtor(s), 790 Chaddick Drive, Wheeling, IL 60090 by electronic notice through ECF

PLEASE TAKE NOTICE that on the 5/3/19, at 9:30AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge A. Benjamin Goldgar, Bankruptcy Judge, in the courtroom usually occupied by him/her at the Park City Branch Court, Courtroom B, 301 Greenleaf Avenue, Park City, Illinois 60085-5725 or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on April 24, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on April 24, 2019.

/s/ Joel P. Fonferko
 Attorney for Movant

Berton J. Maley ARDC#6209399
 Rachael A. Stokas ARDC#6276349
 Peter C. Bastianen ARDC#6244346
 Joel P. Fonferko ARDC#6276490
 Laura A. Hrisko ARDC#6230993
 Brenda Ann Likavec ARDC#6330036
 Grant W. Simmons ARDC#6330446
Codilis & Associates, P.C.
 15W030 North Frontage Road, Suite 100
 Burr Ridge, IL 60527
 (630) 794-5300
C&A FILE (14-18-12388)

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on April 24, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on April 24, 2019.

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/s/ Joel P. Fonferko
Attorney for Movant

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES WELLS FARGO BANK, N.A., (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;
2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 4135 Continental Dr, Waukegan, IL 60087;
3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 1/9/19;
4. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reason(s):
 - a. According to the chapter 13 plan, the aforementioned property known as 4135 Continental Dr, Waukegan, IL 60087 is to be surrendered;

- b. As of 01/09/2019, the Debtor(s) is/are past due for the 07/01/18, and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- c. As of 01/09/2019, the total pre-petition default through and including 1/1/19, is \$7,411.81. Any payments received after this date may not be reflected in this default;

5. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

WHEREFORE, WELLS FARGO BANK, N.A. prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant and for such other and further relief as this Court may deem just and proper.

Dated this April 24, 2019.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Joel P. Fonferko

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